

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: DIGITEK
PRODUCTS LIABILITY LITIGATION

MDL NO. 1968

THIS DOCUMENT RELATES TO ALL CASES

APPLICATION OF ED BLIZZARD FOR PLAINTIFFS'
STEERING COMMITTEE MEMBERSHIP

My name is Ed Blizzard and I am a Partner in the firm of Blizzard McCarthy & Nabers in Houston, Texas. I have been working on Pharmaceutical and Medical Device cases for over 20 years. I have been appointed to leadership roles in most of the large MDL cases. My experience and appointments reflect my ability, not only to try lawsuits, but to get things done by working cooperatively with both plaintiffs' and defense counsel.

For example, I was appointed by Judge Fallon in the Vioxx litigation, MDL 1657 to the 6 member Negotiating Plaintiff's Committee ("NPC"). The NPC successfully negotiated the \$4.85B settlement with Merck after over a year of settlement talks. Judge Fallon has also appointed me to the 9 person Fee Allocation Committee, responsible for making recommendations to Judge Fallon about the allocation of common benefit fees. I also tried one of the MDL Vioxx cases before Judge Fallon

I also recently served as the chair of the PSC in the Ephedra Litigation, MDL 1598, which was successfully concluded this summer. Our firm took the depositions of the majority of corporate witnesses from the various companies that sold ephedra containing products. There were only a couple of Ephedra cases that went to trial. I tried one of them.

In the Sulzer Hip Implant Litigation, MDL 1401, I was one of 5 lawyers appointed by Judge O' Malley to negotiate the \$1.2B settlement and I testified at the Fairness Hearing in support of the Settlement. I also took most of the depositions of the corporate witnesses that were used in the only Sulzer case tried to verdict.

In the Diet Drug Litigation, MDL 1203, I was a Steering Committee member in the Texas State Court Litigation, and took a number of the key corporate witness depositions. The depositions


that I took were played at trial in virtually every Fen-Phen case that tried the liability issue. I also personally tried several Fen-Phen cases.

In Silicone Breast Implant Litigation, I was a member of the Texas State Court Steering Committee and took many of the key corporate witness depositions. I was also co-counsel in the trial of 2 cases. After Dow Corning filed for bankruptcy protection, I was selected by the Tort Claimants Committee to be the tort lawyer to the Committee. In that role, I was one of the chief negotiators of the \$3B Dow Corning Settlement.

I currently have the time to devote to this project, because much of the work on Vioxx has concluded. Our firm has a significant number of Digitek cases and I would like to be actively involved in helping shape the discovery, trial and resolution strategies. I hope that the Court will appoint me to the PSC, but even if I don't make the cut, I will commit to work hard and cooperatively with the Court and all counsel toward a successful resolution of this litigation.

If the Court needs references, I will be pleased to supply them, or the Court could talk to Judge Eldon Fallon, U.S. District Court, Eastern District of Louisiana, Judge Jed Rakoff, U.S. District Court, Southern District of New York or Judge Kathleen O'Malley, U.S. District Court, Northern District of Ohio.

Respectfully submitted,



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